
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Friends Communications of MI, Inc.
Licensee of Radio Station WABJ
Facility ID #22648
Adrian, Michigan

)
)
)
)
)
)

File No. EB-04-DT-057

NOV No. V20043236015

NOTICE OF VIOLATION

Released: March 3, 2004

By the District Director, Detroit Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Friends Communications of MI, Inc., licensee of radio station WABJ.

2. On February 5, 2004, an agent of the Commission's Detroit Office inspected radio station WABJ, licensed to Adrian, Michigan, and observed the following violations:

a. 47 C.F.R. § 11.35(a): "Equipment operational readiness...Broadcast stations...are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, broadcast stations...must determine the cause of any failure to receive the required tests or activations specified in §§ 11.61(a)(1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 of this chapter,...indicating reasons why any tests were not received." There were no entries made in the station logs indicating why EAS weekly receive tests were missing for the time period September 7, 2003 to January 31, 2004.

b. 47 C.F.R. § 11.61(a)(2)(i)(A): "Tests of EAS procedures...Required Weekly Tests:...AM, FM and TV stations must conduct tests...at least once each week and at random days and times..." During the

¹ 47 C.F.R. § 1.89

Federal Communications Commission

period September 7, 2003 to January 31, 2004, there were missing EAS send tests.

c. 47 C.F.R. § 73.1820(a)(1)(iii): "Station Log. Entries must be made in the station log...An entry of each test and activation of the Emergency Alert System (EAS)..." During the period September 7, 2003 to January 31, 2004, there were missing EAS receive tests.

d. 47 C.F.R. § 73.1870(c)(3): "Chief operators...The chief operator is responsible for completion of the following duties specified in this paragraph below. When the duties are delegated to other persons, the chief operator shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner...Review of the station records at least once each week to determine if required entries are being made correctly...Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive..." During the period September 7, 2003 to January 31, 2004, there was no review of the station logs by the chief operator.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Friends Communications of MI, Inc., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, MI 48335-1552

4. This Notice shall be sent to Friends Communications of MI, Inc., 121 West Maumee Street, Adrian, Michigan 49221, and a copy to Bob Elliott, Owner, 110 Scarborough Court, Marietta, GA 30067.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply,

² 47 U.S.C. 308(b)

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3)

Federal Communications Commission

to determine what, if any, enforcement action is required to ensure your compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office

JAB:PRB

⁴ 18 U.S.C. § 1001 *et seq*